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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,858	12/27/2001	Steven Barritz	P/3704-7	1455

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EXAMINER
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ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 06/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/034,858

Applicant(s)

BARRITZ ET AL.

Examiner

Neveen Abel-Jalil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show in the block diagram labeling the component descriptions in full recitation as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

For example, figure 1, block 14, the label “CCS” is an abbreviation and needs to be rewritten in full description as “Cooperative Categorization System”. Also, in figure 1, block 50, the label “AC” is an abbreviation and needs to be rewritten in full description as “Automatic Clustering”.

All remaining diagram block labels need to be rewritten to overcome the same deficiencies stated above. Corrections are required.

### *Specification*

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

For example on page 2, lines 22-25 are hyperlink or browser-executable code which are URL's placed between the symbols "< >". The symbols "< >" must be deleted; therefore, "<<http://www.msn.com>>" should be rewritten as -- [www.msn.com](http://www.msn.com) --, "<<http://www.netscape.com>>" should be rewritten as -- [www.netscape.com](http://www.netscape.com) --, "<<http://www.ebay.com>>" should be rewritten as -- [www.ebay.com](http://www.ebay.com) --.

"< <http://www.dmoz.com>>" should be rewritten as --www.dmoz.com--.

Also on page 6, line 15 is a hyperlink or browser-executable code which are URL's placed between the symbols "< . >". The symbols "< >" must be deleted; therefore,

"<<http://www.epicurious.com>>" should be rewritten as -- [www.epicurious.com](http://www.epicurious.com) --.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10, 14-28, and 30-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Krellenstein (U.S. Patent No. 5,924,090).

As to claim 1, Krellenstein discloses an interactive system for enhancing the searchability of data (See abstract), the system comprising:

a categorization system that associates search terms defining categories or attributes with items to be found (See column 3, lines 11-32, also see abstract);

a communication system for communicating with the categorization system and with a store of information from which information is to be selected based on the search terms (See column 5, lines 55-67, and see column 6, lines 1-7, also see abstract); and

a cooperative facility associated with the categorization system that enables users to interactively and at least partially automatically, modify or supplement the search terms initially

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assigned to the items to be found by the categorization system (See column 5, lines 4-41).

As to claim 2, Krellenstein discloses in which the store of information is accessible via the Internet (See abstract, also see column 2, lines 52-65).

As to claims 3, and 19, Krellenstein discloses in which the categorization system enables assigning search terms that are hierarchical and enables assigning search terms that are based on items to be found (See column 6, lines 25-65).

As to claims 4, and 20, Krellenstein discloses in which the cooperative facility is accessible to the users and the users comprise listers of information and/or end searchers which search for the information (See column 5, lines 55-67, wherein “end searches” reads on “user”, and see column 9, lines 33-55, wherein “listers” reads on “manually constructed”, and see column 2, lines 38-49).

As to claims 5, and 21, Krellenstein discloses in which the search terms comprise categories of items to be found that are arranged hierarchically and attributes of items defined descriptively and the categorization and attribute information is stored in a categorization and attribute database (See column 6, lines 25-65).

As to claims 6, and 22, Krellenstein discloses including a facility that dynamically enables a lister of items in the store of information to use existing categorization and attribute

data and to add additional categories via the cooperative facility (See column 2, lines 37-67).

As to claims 7, and 23, Krellenstein discloses including a facility that dynamically enables a searcher of items in the store of information to use existing categorization and attribute data and to add additional attributes via the cooperative facility (See column 5, lines 55-67, also see column 6, lines 1-26).

As to claim 8, Krellenstein discloses including a facility that is operable in conjunction with the cooperative facility to limit the number of attributes displayed to users upon their initial viewing of available attributes (See column 6, lines 8-16, also see abstract, also see column 2, lines 52-65).

As to claim 9, Krellenstein discloses in which the number of displayed attributes is less than 30 (See column 6, lines 1-65, wherein “displayed attributes is less than 30” reads on “until the number of relevant records drops to a predetermined threshold (e.g. 20)” therefore, the predetermined threshold could be specified by any number including less than 30).

As to claim 10, Krellenstein discloses in which the displayed attributes are selected based on the greatest number of items under a current category (See column 6, lines 1-65).

As to claims 14, and 24, Krellenstein discloses including a facility that groups together those attributes that are related to one another (See column 8, lines 56-65, also see column 6,

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lines 49-65, also see column 3, lines 17-32).

As to claims 15, and 25, Krellenstein discloses including a facility that enable searchers to specify attribute selections by entry of a plurality of terms connected by Boolean expressions (See column 6, lines 1-65, wherein “Boolean expressions” reads on “AND’d”).

As to claims 16, and 26, Krellenstein discloses wherein the cooperative facility includes a secondary facility that imposes limitations on types of attributes permitted to be added to the database holding the attributes (See column 6, lines 8-24, and see column 8, lines 56-67, and see column 9, lines 33-63).

As to claims 17, and 27, Krellenstein discloses in which the cooperative facility includes a subsidiary facility that removes redundancies in categorization and attribute search terms (See column 5, lines 30-41, also see column 6, lines 1-24, wherein “removing redundancies” reads on “refining”).

As to claims 18, and 28, Krellenstein discloses wherein the cooperative facility includes an intelligent restructuring of categories and attributes facility that iteratively reviews the categorization and attribute data to maintain hierarchies that maximize the degree of convergence achieved by a selection at each category level (See column 6, lines 25-65).

As to claims 21, 31, and 35, Krellenstein discloses in combination with an automatic clustering facility that minimizes the need of a search engine user to successively refine search terms in a manual fashion, by monitoring which particular result-items a user has historically chosen to visit (See column 5, lines 4-67, and see column 6, lines 1-16).

As to claim 30, Krellenstein discloses a method for searching for data items in a data store, the method comprising the steps of:

operating a computer-based communication system that effects communications between a plurality of data searchers and the data store containing the data items (See column 2, lines 52-67, and see column 3, lines 1-10);

operating a search engine that enables the data searchers to enter initial key words describing data items to be found (See column 9, lines 40-63);

receiving selected data items that are responsive to the initial key words in a given order of items, organized into successive viewable pages (See column 5, lines 4-29, also see column ;

initiating a manual review of the received selected data items (See column 3, lines 63-67, and see column 4, lines 1-6); and

operating an automatic clustering tool that is responsive to the items manually perused by the data searcher (See column 5, lines 30-67, also see column 9, lines 33-49), including items not reviewed by the data searcher, the automatic clustering tool responding to the user's action by interactively creating categorization criteria by which at least a portion of the received selected data items are reordered or filtered for being viewed by the data searcher (See column 5, lines 30-67, wherein "reordered or filtered for being viewed by the data searcher" reads on the search



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processor searched the database and generates another search result corresponding to the refined set of records”), and/or by which a further search is performed and results are based thereon (See column 5, lines 30-41, also see column 6, lines 1-24, wherein “further search” reads on “refining” indicating that based on the searcher’s action by editing the text of the query, the automatic clustering mechanism uses iterative means present the user with narrower results).

As to claim 32, Krellenstein discloses in which the automatic clustering tool constantly revises the categorization criteria in response to continuous reviewing of the selected data items by the data searcher (See column 5, lines 4-41).

As to claim 33, Krellenstein discloses in which the automatic clustering tool is responsive to a given data searcher's reviewing activity over a period of time (See column 5, lines 55-67, and see column 6, lines 1-7, also see column 4, lines 1-6).

As to claim 34, Krellenstein discloses in which the automatic clustering tool eliminates selected data items from being viewed by the data searcher, based on the successively created categorization criteria (See column 5, lines 30-41, also see column 6, lines 1-24, wherein “removing redundancies” reads on “refining”).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-13, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krellenstein (U.S. Patent No. 5,924,090) in view of Mockett et al. (U.S. Pub. No. 2001/0037359 A1).

As to claim 11, Krellenstein does not teach in which the displayed attributes are selected based on prior searchers' activities.

Mockett et al. teaches in which the displayed attributes are selected based on prior searchers' activities (See page 1, paragraphs 0005, also see page 3, paragraph 0028, wherein "attribute search terms by prior searchers" is shown by Mockett et al. "using the user's profile stored in the database of prior search or subjective rating is correlated with content attributes and sent to central server for storage").

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Krellenstein to include in which the displayed attributes are selected based on prior searchers' activities.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Krellenstein by the teaching of Mockett et al. to include in which the displayed attributes are selected based on prior searchers' activities because it allows for customized information gathering and delivery or presentation to the user (See Mockett et al. paragraph 0005).

As to claim 12, Krellenstein does not teach wherein displayed attributes are selected based on a current searcher's search history.

Mockett et al. teaches wherein displayed attributes are selected based on a current searcher's search history (See page 5, paragraphs 0045-0046, also see page 6, paragraph 0057).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Krellenstein to include wherein displayed attributes are selected based on a current searcher's search history.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Krellenstein by the teaching of Mockett et al. to include wherein displayed attributes are selected based on a current searcher's search history because it allows for customized information gathering and delivery or presentation to the user (See Mockett et al. paragraph 0005).

As to claim 13, and 29, Krellenstein does not teach in which displayed attributes are ordered based on aggregate use of attribute search terms by prior searchers.

Mockett et al. teaches in which displayed attributes are ordered based on aggregate use of attribute search terms by prior searchers (See page 5, paragraphs 0045-0046, also see page 6, paragraph 0057).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Krellenstein to include in which displayed attributes are ordered based on aggregate use of attribute search terms by prior searchers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Krellenstein by the teaching of Mockett et al. to include in which displayed attributes are ordered based on aggregate use of attribute search terms by prior searchers because it allows for customized information gathering and delivery or presentation to the user (See Mockett et al. paragraph 0005).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ikeda et al. (U.S. Patent No. 6,505,195 B1) teaches classification of retrievable documents according to types of attribute elements.

August et al. (U.S. Patent No. 6,647,383 B1) teaches interactive search method.

Tso (U.S. Patent No. 6,385,602 B1) teaches presentation of search results using dynamic categorization.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:00AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil  
May 16, 2004



**SAM RIMELL**  
**PRIMARY EXAMINER**